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Congress of the United States

House of Representatives

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Mike Duncan
Chairman
Republican National Committee
310 First Street, SE
Washington, DC 20003

Dear Mr. Duncan:

The Committee first wrote to you on March 26, 2007, more than three weeks ago, regarding e-mails sent to or from White House officials through accounts controlled by the Republican National Committee. The Committee sought basic information about who at the White House used RNC accounts and how many e-mails they sent or received over RNC accounts. This information is relevant to the Committee's inquiry into whether violations of the Presidential Records Act have occurred.

The Committee also requested copies of RNC e-mails sent or received by White House officials specifically related to one ongoing Committee investigation: the inquiry into whether Bush Administration officials have used federal resources to help Republican political candidates.

To date, the Committee has received none of the information referenced above. Although staff met with RNC counsel and has communicated with RNC counsel by phone and e-mail, the RNC still has not identified the "roughly 50" White House officials who held RNC accounts. And despite several requests, the RNC has not provided any details about the number of RNC e-mails sent or received by White House officials. This is elementary information that should already have been provided to the Committee.

Instead of providing this information, the RNC counsel has proposed to limit the Committee's request by using narrow "search terms" to identify e-mails relevant to the Committee's investigation. On Monday, RNC counsel proposed eight search terms, such as "political briefing," "Hatch Act," and "2008." While the "search term" approach was offered in good faith by the RNC counsel, it presents some serious problems. For example, the search terms proposed by the RNC would not have located a January 19, 2007, e-mail from an official in Karl Rove's office to an official at the General Services Administration transmitting a copy of PowerPoint slides prepared by the White House that list the top 20 Democratic targets in 2008.

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That e-mail read: "Please do not email this out or let people see it. It is a close hold and we're not supposed to be emailing it around."¹

Using search terms to limit the number of documents to be produced risks overlooking potentially responsive documents. The volume of e-mails involved may make resort to search terms necessary. But before the Committee can assess whether a search-term approach is required in this case — and whether it is required for every White House official or only some of them — the Committee needs basic facts about the scope and nature of the e-mails preserved on RNC servers. The Committee staff reasonably requested a meeting tomorrow to discuss these issues, but this request was unreasonably rejected. In fact, the RNC counsel stated that no meeting would occur until the Committee agreed to limiting search terms. This is not an acceptable proposal.

For the reasons outlined above, the Committee requests the following information by noon on Friday, April 20, 2007:

1. The identity of all White House officials who have held RNC e-mail accounts;
2. The total number of e-mails sent by each White House official through an RNC e-mail account during each calendar year;
3. The total number of e-mails received by each White House official through an RNC e-mail account during each calendar year;
4. The total number of e-mails sent by each White House official through an RNC e-mail account to a ".gov" e-mail account during each calendar year; and
5. The total number of e-mails received by each White House official through an RNC e-mail account from a ".gov" e-mail account during each calendar year.

The purpose of the above requests for information is to facilitate a productive discussion between the Committee and the RNC regarding the most efficient and effective response to the Committee's requests for email communications. In addition, the Committee has been asked by numerous federal agencies for this information to assist them in complying with the Committee's request relating to compliance with the Presidential Records Act.

¹ E-mail from Jocelyn Webster, Staff Assistant, Office of Political Affairs, White House, to Tessa Truesdell, Confidential Assistant to the Administrator, General Services Administration (Jan. 19, 2007) (W-02-0310).

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If you have any questions regarding this letter, please contact David Rapallo or Anna Laitin of the Committee staff at (202) 225-5420.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry A. Waxman". The signature is fluid and cursive, with the first name "Henry" being more prominent.

Henry A. Waxman
Chairman

cc: Tom Davis
Ranking Minority Member